

Advisory Opinion

IECDB AO 2004-18

December 2, 2004

The Honorable Gene Fraise
State Senator
1699 280th Ave
Fort Madison, Iowa 52627

Dear Senator Fraise:

This opinion is in response to your letter of November 18, 2004, requesting an opinion from the Iowa Ethics and Campaign Disclosure Board. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

FACTUAL STATEMENT:

We understand you request this opinion in your capacity as a State Senator. You were asked to participate in a trip to South Korea by the Lee County Economic Development Group. The purpose of the trip was to show support for various economic development projects planned for Lee County. You served as the head of the delegation as the highest ranked government official. Meetings were held with various groups and investors.

QUESTION:

Is it permissible for you to pay for the expenses associated with the economic development trip to South Korea with your campaign funds?

OPINION:

Iowa Code section 68A.302 states that candidates shall use campaign funds "only for campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit." The statute then sets out examples of proper and improper expenditures from campaign funds. The statute also requires the Board to adopt rules listing "items that represent proper campaign expenses." This listing is found in rule 351-4.25.

Both the statute and rule are silent on whether or not the use of campaign funds to pay for the expenses associated with the type of economic development trip you describe is permissible. However, the Board is of the opinion that these expenses are "associated

with the duties of office” and also provide “constituency services.” You would not have incurred these expenses “but for” you being an elected official. We do note that Iowa Code section 68A.302(2)“i” prohibits the use of campaign funds for “meals, groceries, or other food expense” except for “campaign related purposes.” We do not believe that this trip qualifies for “campaign related purposes.”

Therefore, we are of the opinion that you may use your campaign funds to pay for the expenses related to this economic development trip to South Korea except for expenses incurred for meals.¹

In closing, the Board encourages candidates and officeholders to review the provisions of Iowa Code sections 68A.301 through 68A.304 and Board rules 351—4.25 and 4.26 all dealing with the use of campaign funds and property.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ If you believe that this trip was somehow “campaign related” you may provide additional information and seek another advisory opinion on that particular issue.